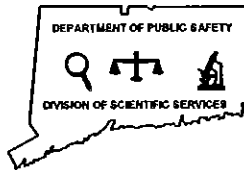




STATE OF CONNECTICUT



DEPARTMENT OF PUBLIC SAFETY OFFICE OF THE COMMISSIONER

John A. Danaher III
Commissioner

Lieutenant Edwin S. Henlon
Chief of Staff

March 16, 2009

Rep. Michael P. Lawlor, Co-Chairman
Sen. Andrew J. McDonald, Co-Chairman
Judiciary Committee
Legislative Office Building
Hartford, CT 06106

SB 723 AN ACT CONCERNING THE POSTING OF TEN PER CENT CASH BAIL

The Department of Public Safety opposes this bill.

The Department of Public Safety is responsible for the licensing and regulation of Professional Bondmen pursuant to Chapter 533 of the Connecticut General Statutes. Currently, this agency has thirty (30) active professional bondsmen licensees under the regulation and oversight of the Special Licensing and Firearms Unit.

In accordance with C.G.S. § 29-144 to § 29-152 inclusive, any person who makes a business of furnishing bail in criminal cases or who furnishes bail in five or more criminal cases in any one year is deemed a professional bondsman requiring licensure and regulation by the Department of Public Safety. Prior to licensure, the Department of Public Safety investigates the character and financial responsibility of all applicants for professional bondsman including a complete state and national criminal history background checks and a complete review of an applicant's assets and liabilities. These checks occur upon initial licensing and with each yearly renewal of a previously issued license.

Applicants with a felony conviction or persons engaged in law enforcement or vested with police powers are ineligible for licensure in this state. Current law allows the Commissioner of Public Safety to suspend or revoke a license for cause, including unlawful activity affecting the licensee's fitness to continue in such business or evidence that the financial responsibility of the licensee has been substantially impaired. Each licensed professional bondmen also has reporting requirements to the Commissioner of Public Safety, including written notice of any material change in financial status and the reporting of all bonds on which such bondsman is obligated.

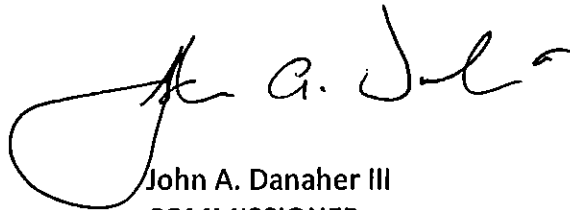
Committee Bill No. 723 seeks to allow the accused in any criminal case, or any person on behalf of the accused, to deposit a sum of money equal to ten per cent (10%) of the total of the amount called for by such bond. As drafted, the bill expressly prohibits professional bondmen licensed and regulated by the Department of Public Safety under chapter 533 and surety bail bond agents licensed and regulated by the Department of Insurance under chapter 700f from depositing the ten per cent (10%) for any such bond.

The Department of Public Safety is concerned that the language of this bill would essentially allow anyone to post bond for an accused without any form of surety, oversight, regulation, or licensure. Upon its face, it would seem to automatically reduce all bonds which take advantage of this procedure by 90%, as the 10% deposit requires no surety. (The bill's language does state that the 10% deposited "shall act as surety for the total amount called for by such bond", but this makes little sense, as the bill nowhere requires even the existence of the other 90% of the required bond). Further, that 10% is available for recovery for attorney's fees.

Assuring the appearance of the accused in court is of great importance, and those who seek to participate in this procedure should be subject to all the protection of current laws determining the suitability and financial means of those securing the posted bond in addition to prescribing the legal means of such person to ensure the appearance of the accused as the bond is intended.

The language of this bill exposes the bond industry and procedure to a potentially limitless and unregulated market with no oversight and very limited controls.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Danaher III". The signature is fluid and cursive, with a large loop at the beginning and a trailing flourish at the end.

John A. Danaher III
COMMISSIONER
Department of Public Safety